

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

United States of America

v.

United States v. Greenlaw et al.

Case No. 4:21-CR-00289-O

Defendant

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE**

Strategic Claims Services ("SCS")

Attn: Custodian of Record

225 State Road

Media, PA 19063

Via Email at pmulholland@strategicclaims.net and mshillady@strategicclaims.net

To:

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

Please see Attachment to Subpoena.

Place: 501 West 10th Street, Room 201
Fort Worth, TX 76102

Date and Time: 5/17/2022

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/13/2022

CLERK OF COURT

Karen Mitchell

Signature of Clerk or Deputy Clerk



The name, address, e-mail, and telephone number of the attorney representing (name of party) United States of America, who requests this subpoena, are:

Tiffany H. Eggers, 1100 Commerce Street, Third Floor, Dallas, TX 75242, tiffany.eggers@usdoj.gov, 214-659-8600

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

EXHIBIT A

Case No. 4:21-CR-00289-O

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

(1) In General. A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) Quashing or Modifying the Subpoena. On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) Subpoena for Personal or Confidential Information About a Victim. After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

(1) In the United States. A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) In a Foreign Country. If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) Contempt. The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

ATTACHMENT TO SUBPOENA

Strategic Claims Services (“SCS”)
Attn: Custodian of Record
225 State Road
Media, PA 19063
Via Email at pmulholland@strategicclaims.net and
mshillady@strategicclaims.net

Please provide the investor data that SCS received via plaintiff’s counsel from counsel for UDF III, UDF IV, and UDF V in the below identified class action suits.

- *In re United Development Funding IV et al*, 3:15-CV-4030 (NDTX)
- *Fox et al v. United Development Funding III et al*, 3:18CV-3097-X (NDTX)

INSTRUCTIONS: In lieu of personal appearance, you may provide the above information **with an executed custodian of records affidavit** by forwarding the records to FOA Scott Martinez **by not later May 17, 2022**. For any questions concerning the subpoena, please use the following (email preferred): Forensic Accountant (FOA) Scott Martinez at (972) 559-5359 or smartinez@fbi.gov, or Special Agent (SA) Christine Edson at (972) 559-5726 or cledson@fbi.gov.

Please deliver the requested items to:

**Federal Bureau of Investigation
Attention: FOA Scott Martinez, Squad CR-1
One Justice Way
Dallas, Texas 75220**

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS
PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, certify that I am employed by _____
(_____) and that my official title is _____. I am a custodian of records
for _____. I state that each of the records attached hereto is the original record, or
a true duplicate of the original record, in the custody of _____ and that I am the
custodian of the attached records, consisting of _____ pages.

I further state that:

1. All records attached to this certificate were made at or near the time of the
occurrence of the matters set forth by, or from information transmitted by, a person with
knowledge of those matters;

2. Such records were kept in the course of a regularly conducted business
activity of _____; and

3. Such records were made by _____ as a regular practice.

I further state that this certificate is intended to satisfy the requirements of Rule
902(11) of the FEDERAL RULES OF EVIDENCE.

I hereby certify under penalty of perjury that the aforesaid is true and correct.

Executed on the _____ day of _____, 20__.

Signature: _____

Print Name: _____

Title: _____



U.S. DEPARTMENT OF JUSTICE

Instructions for Fact Witnesses Appearing at a Scheduled Judicial Proceeding Northern District of Texas -Dallas

(Not Applicable to Federal Government Employees)

IT IS IMPERATIVE THAT YOU READ THIS INFORMATION BEFORE YOU TRAVEL FOR YOUR COURT APPEARANCE

UPON RECEIPT OF THIS FORM, YOU MUST CALL THE PERSON(S) LISTED BELOW FOR INFORMATION REGARDING TRAVEL ARRANGEMENTS AND SPECIFIC ENTITLEMENTS.

IF YOU HAVE A MEDICAL CONDITION OR A FAMILY SITUATION THAT REQUIRES SPECIAL CONSIDERATION, YOU MUST INFORM THE PERSON(S) LISTED BELOW AS SOON AS POSSIBLE.

CONTACT PERSON(S):

Shaneen A. May, Fact Witness Coordinator Shaneen.May@usdoj.gov 817-252-5290
Allison C. Crandle, Victim Witness Coordinator Allison.C.Crandle@usdoj.gov 214-659-8624

BEFORE YOU TRAVEL, YOU MUST CONFIRM YOUR TRIAL ATTENDANCE WITH THE ABOVE LISTED PERSON(S).

REIMBURSEMENT OF EXPENSES AND ATTENDANCE FEES:

Any amount advanced to you by the U.S. Marshals Service will be deducted from your fees and allowances

ATTENDANCE FEE: You will receive a fee of \$40 per day, including travel days.

PRIVATELY OWNED VEHICLES (POV): You will be reimbursed for mileage at the current government rate as designated by the Court jurisdiction. www.gsa.gov

- In addition to mileage allowance, any necessary tolls, parking fees, Uber and/or Lyft fees may also be reimbursed. *(If two or more witnesses travel in the same vehicle, only one reimbursement for mileage will be made).*

TRANSPORTATION AND LODGING: Call the person(s) listed above to make travel and lodging arrangements. It is preferable that the government make the travel/lodging arrangement. ***(You MUST request and receive approval prior to making your own travel and lodging arrangements).*** If authorized, your reimbursement will be up to, but not exceed, the government rates for transportation and lodging. www.gsa.gov

- Any other services charged to your room- parking, meals, movies, phone calls, etc. are your responsibility. Parking costs will be reimbursed to you upon your return in addition to the per diem allowance. We encourage you not to order room service, but to have dinner either in the hotel restaurant or outside the hotel. You will be required to provide a credit card to the hotel to cover incidental expenses.

NON-REIMBURSABLE EXPENSES: 1) First class, business class or frequent flyer miles, 2) Charter service {private plane or bus}, and 3) Non-refundable tickets.

MEALS: If it is necessary for you to remain away from home **overnight**, you will receive the current government rate for daily meal allowances designated by the Court jurisdiction. www.gsa.gov. ***Receipts are not required for meals.***

CONCLUSION OF TESTIMONY: When your testimony concludes, you should request information from the person(s) listed above regarding payment of the fees and expenses detailed on this document. You will be provided with a ***DOJ-3 Fact Witness Voucher*** to list your expenses. The voucher will be submitted to the U.S. Marshal's Service, and a check for the total amount will be issued to you and sent via U.S. Mail. Reimbursement will take at least 30 days.

DRIVING DIRECTIONS TO THE DALLAS COURTHOUSE:

The United States District Court is located at 1100 Commerce Street, on the southeast corner of Commerce Street and Griffin Street. The front entrance faces Commerce Street between Griffin Street and Field Street.

If you are traveling:

- East on I-30: Take exit #45 (I-35) Denton & exit Downtown/Commerce.
- West on I-30: Take exit #45 (Ervey) which turns into Griffin (left side exit).
- North on Stemmons/I-35: Take exit #45A (Lamar/Griffin); then exit Griffin/Cadiz and take Griffin.
- South on Stemmons/I-35: Take exit #428A (Commerce East/Reunion) or Woodall Rogers exit; then Field/Griffin.
- North on I-45/75 Central Expressway: Take I-35 Denton and exit Field.

PARKING:

- Bank of America Plaza Parking is located on the corner of Lamar and Commerce. Cost is approximately \$22.00 per day.
- Manor House-Central Parking System is located next to the Earle Cabell Federal Building on Commerce Street. Cost is approximately \$20.00 per day.
- Platinum parking is located on Jackson Street directly behind the Earle Cabell Federal Building. Cost is approximately \$12.00 per day.
- Standard Parking is located on Jackson Street next to McDonald's. Cost is approximately \$12.00 per day.
- Standard Parking is located on the corner of Main and Lamar. Cost is approximately \$12.00 per day

OTHER ISSUES:

- Though we do our best, trial can be unpredictable. It may be necessary for you to stay an extra day or to be requested to arrive a day early. The USAO will take care of any travel and/or hotel changes. You should be prepared for the possibility of remaining one extra day. We will give you as much notice as possible if a change becomes necessary.

***Receipts are required for any expense that exceed \$75.00, except for meals. ***